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HOUSE BILL 701

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Joe Nestor Chavez

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING AN AMNESTY PROGRAM  
FOR CERTAIN PROBATION OR PAROLE VIOLATORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. PROBATION OR PAROLE VIOLATORS-- AMNESTY  
PROGRAM --

A. As used in this section, "nonviolent offender"  
means a person placed on probation or parole for committing a  
criminal offense, except one of the following criminal  
offenses:

(1) first degree murder, as provided in  
Section 30-2-1 NMSA 1978;

(2) second degree murder, as provided in  
Section 30-2-1 NMSA 1978;

(3) assault with intent to commit a violent

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1 felony, as provided in Section 30-3-3 NMSA 1978;

2 (4) kidnapping, as provided in Section 30-4-1  
3 NMSA 1978;

4 (5) aggravated battery, as provided in  
5 Subsection C of Section 30-3-5 NMSA 1978;

6 (6) aggravated battery upon a peace officer,  
7 as provided in Subsection C of Section 30-22-25 NMSA 1978;

8 (7) shooting at a dwelling or occupied  
9 building or shooting at or from a motor vehicle, as provided  
10 in Section 30-3-8 NMSA 1978;

11 (8) dangerous use of explosives, as provided  
12 in Section 30-7-5 NMSA 1978;

13 (9) criminal sexual penetration, as provided  
14 in Section 30-9-11 NMSA 1978;

15 (10) robbery, as provided in Section 30-16-2  
16 NMSA 1978;

17 (11) aggravated burglary, as provided in  
18 Section 30-16-4 NMSA 1978;

19 (12) aggravated arson, as provided in Section  
20 30-17-6 NMSA 1978; or

21 (13) abuse of a child that results in great  
22 bodily harm or death to the child, as provided in Section  
23 30-6-1 NMSA 1978.

24 B. Effective July 1, 1999 through August 31, 1999,  
25 a nonviolent offender who is eighteen, nineteen or twenty

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1 years of age and for whom an outstanding warrant has been  
2 issued because the nonviolent offender violated the conditions  
3 of his probation or parole, may turn himself in to his  
4 probation or parole officer and receive amnesty for the  
5 probation or parole violation. When the nonviolent offender  
6 turns himself in he shall not be incarcerated, and the  
7 nonviolent offender's probation or parole officer shall  
8 initiate a new probation or parole plan for the nonviolent  
9 offender.

10 C. Subsequent to August 31, 1999, a nonviolent  
11 offender who turns eighteen years of age and for whom an  
12 outstanding warrant has been issued because the nonviolent  
13 offender violated the conditions of his probation or parole,  
14 has a period of two months following his eighteenth birthday  
15 to turn himself in to his probation or parole officer and  
16 receive amnesty for the probation or parole violation. When  
17 the nonviolent offender turns himself in he shall not be  
18 incarcerated, and the nonviolent offender's probation or  
19 parole officer shall initiate a new probation or parole plan  
20 for the nonviolent offender.

21 Section 2. EFFECTIVE DATE. --The effective date of the  
22 provisions of this act is July 1, 1999.